



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.



By [Signature] MERCK & CO., INC. Date 3/22/06

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: W.K. Hagmann et al.

Serial No.: 10/509,277 Case No.: 21071YP

Filed: September 27, 2004

For: SUBSTITUTED ARYL AMIDES

Art Unit:  
1621

Examiner:  
S. Kumar

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR § 1.181(a)(1)

Sir:

Under 37 C.F.R. § 1.181(a)(1), Applicants petition the action of the Examiner in the *ex parte* prosecution of the present application, making the rejection mailed February 16, 2006, final. Such a decision is not subject to appeal to the Board of Patent Appeals and Interferences or to the court. Applicants submit that the finality of the action was premature. Applicants respectfully request that the Director remove the finality of the rejection. The present Petition is being mailed within 2 months of the mailing date of the action from which relief is requested.

In the Office Action dated February 16, 2006, the Examiner rejected Claims 1-7 and 9-17 over a new piece of art, RN 95958-63-7, which the Examiner stated anticipated the present invention. The Examiner stated that Applicant's amendment express mailed December 14, 2005, and noted as filed December 16, 2006, necessitated the new grounds of rejection.

Applicants respectfully submit that the finality of the rejection was premature. The newly cited art was not "necessitated" by the amendments made in response to the first office action. The elements of the claims that allegedly fall within the newly cited prior art were present in the initial application.

03/27/2006 TBESHAH1 00000012 132755 10509277

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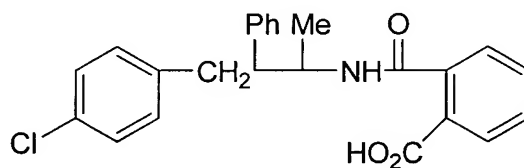
In the December 14, 2005, response to the office action of September 15, 2005, (copy of both Office Action and Response enclosed), Applicants made the following amendments to the claims of the present application:

- Corrected spelling of “alkyl” in R<sup>1</sup> definition (Claims 1, 2)
- Corrected punctuation—replacing semicolon with a colon following “wherein” (Claim 9).
- Deleted phrase “each alkyl is optionally substituted with one, two, three or four substituents independently selected from R<sup>a</sup>” from the definition of R<sup>2</sup>. (R<sup>2</sup> did not have any alkyl groups). (Claims 1, 2)
- Amended R<sup>3</sup> to be optionally substituted C<sub>1-4</sub> alkyl, by the deletion of “hydrogen” from the definition of R<sup>3</sup> (Claims 1, 9, and 12),
- Deleted the provisos affecting compounds wherein R<sup>3</sup> is hydrogen (Claims 1, and 9).

The amendment of R<sup>3</sup> to be optionally substituted alkyl affected the scope of the claimed subject matter.

In the Office Action mailed February 16, 2006 (copy enclosed), the Examiner allowed Claim 8, and rejected Claims 1-7 and 9-17 under 35 USC § 102(b), over RN 95958-63-7 (copy enclosed), and objected to Claims 18-24 as being dependent on a rejected base claim.

RN95958-63-7 discloses the compound below:



RN 95958-63-7

The Examiner stated that RN 95958-63-7, anticipated the present invention when R<sup>1</sup> was phenyl substituted with chloro, R<sup>2</sup> was phenyl, R<sup>6</sup> was H, R<sup>3</sup> was methyl, and Ar<sup>1</sup> was phenyl substituted with carboxylic acid. The Examiner stated that since the compound can be in water (being carboxylic acid and amide derivative), and water being well known pharmaceutical carrier, the composition was anticipated as well.


Applicants submit that the Examiner was premature in making the rejection over RN95958-63-7 final. The December 14, 2005, amendments substantively affected only the scope of R<sup>3</sup>. RN95958-63 applies to compounds wherein R<sup>3</sup> is methyl. R<sup>3</sup> as methyl was disclosed and claimed in the initial application, and was not affected by the December 14, 2005, amendments. The application of this art to the

claimed invention was not necessitated by the December amendments made in response to the first Office Action.

Applicants respectfully petition the Director to remove the finality of the February 16, 2006 office action under 37 C.F.R. § 1.181(a)(1), as being premature. (See, MPEP § 706.07(c))

The fee required by § 1.17(h) is enclosed. Any additional fees associated with this Petition or the prosecution of the above-identified application may be charged to Merck Deposit Account No. 13-2755.

Respectfully submitted,

By   
Catherine D. Fitch, Reg. No. 36,502  
Attorney for Applicants

MERCK & CO., Inc.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
Tel: (732)594-4283

March 22, 2006

Encl.

Office Action of September 15, 2005

Amendment of December 14, 2005

Office Action of February 16, 2006

RN 95958-63-7

\*\*\*\*\*  
The CA roles and document type information have been removed from \*  
the IDE default display format and the ED field has been added, \*  
effective March 20, 2005. A new display format, IDERL, is now \*  
available and contains the CA role and document type information. \*  
\*\*\*\*\*

Structure search iteration limits have been increased. See HELP SLIMITS  
for details.

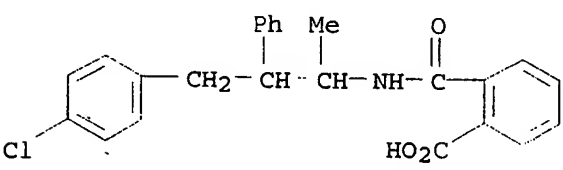
REGISTRY includes numerically searchable data for experimental and  
predicted properties as well as tags indicating availability of  
experimental property data in the original document. For information  
on property searching in REGISTRY, refer to:

<http://www.cas.org/ONLINE/UG/regprops.html>

=> s 95958-63-7  
L3 1 95958-63-7  
(95958-63-7/RN)

=> d

L3 ANSWER 1 OF 1 REGISTRY COPYRIGHT 2006 ACS on STN  
RN 95958-63-7 REGISTRY  
ED Entered STN: 21 Apr 1985  
CN Phthalamic acid, N-[β-(p-chlorobenzyl)-α-methylphenethyl] -  
(7CI) (CA INDEX NAME)  
FS 3D CONCORD  
MF C24 H22 Cl N O3  
LC STN Files: CAOLD



\*\*PROPERTY DATA AVAILABLE IN THE 'PROP' FORMAT\*\*  
1 REFERENCES IN FILE CAOLD (PRIOR TO 1967)

21071  
#45

CDF

21071YP



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,277	09/27/2004	William K. Hagmann	21071YP	7661

210 7590 09/15/2005

MERCK AND CO., INC  
 P O BOX 2000  
 RAHWAY, NJ 07065-0907

DOCKETED

SEP 19 2005

CHRISTINE A. CUFFE

EXAMINER

KUMAR, SHAILENDRA

ART UNIT PAPER NUMBER

1621

DATE MAILED: 09/15/2005

*Amendment  
 due by  
 12-15-05*

Please find below and/or attached an Office communication concerning this application or proceeding.

*aw  
 12-14-05*

PATENT DEPARTMENT  
 SEP 20 2005  
 CATHERINE D. FITCH

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 9/20/05 R

## Office Action Summary

Application No.

10/509,277

Applicant(s)

HAGMANN ET AL.

Examiner

SHAIENDRA -. KUMAR

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/17/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

Claims 1-24 are pending in this application.

#### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 12/17/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 defines R2 to be various groups but the alkyl, and at the same time depicts that each alkyl is substituted with various substituents, thus rendering claims indefinite.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-7 and 9-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 899556.

GB'556 teaches structurally similar compounds, composition and method of use as claimed herein. See for example, page 1, column 1, lines 10-20. The difference between the reference and herein claimed compounds is that the reference has not made specific compounds as claimed herein.

It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to obtain compounds within the generic disclosure of the

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reference, because they are structurally so similar to those claimed herein, with the reasonable expectation of achieving a successful pharmaceutical composition, for treating tumors, absent evidence to the contrary. Note that R1 and R2 in the reference can be halo and methyl or halo and methoxy, thus not covered by the proviso.

8. Claim 8 appears to be free of prior art and is allowable.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAILENDRA - KUMAR whose telephone number is (571)272-0640. The examiner can normally be reached on Mon-Thur 8:00-5:30, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571)272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAILENDRA - KUMAR  
Primary Examiner  
Art Unit 1621

S.Kumar  
9/14/05

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b> (use as many sheets as necessary)				<b>COMPLETE IF KNOWN</b>	
				Application Number	10/509,277
				Filing Date	September 27, 2004
				First Named Inventor	W.K. Hagmann et al.
				Group Art Unit	1621
				Examiner Name	S. Kumar
Sheet	1	of	4	Attorney Docket Number	21071 YP

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
S		5624941		Barth et al.	04/29/1997
		6028084		Barth et al.	02/22/2000
		5013837		Ward et al.	05/07/1991
		4973587		Ward et al.	11/27/1990
		5081122		Ward	01/14/1992
		5112820		Ward	05/12/1992
		5292736		Kumar et al.	03/08/1994
		6344474		Maruani et al.	02/05/2002
		USSN 60/515,705		Shah et al.	
		USSN 60/504,377		Armstrong et al.	
V		USSN 10/507,864		Hagmann et al.	
		US2004-0058820		Hagmann et al.	03/25/2004
		USSN 60/483,679		Burns et al.	
		5658943		Berryman et al.	08/19/1997

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number		
S			EP 658546	Sanofi-Synthelabo	05/23/2001
			WO 98/31227	SmithKline Beecham Corporation	07/23/1998
			WO 98/41519	SmithKline Beecham Corporation	09/24/1998
			WO 98/37061	Bayer Aktiengesellschaft	08/27/1998
			WO 00/10967	Bayer Aktiengesellschaft	03/02/2000
			WO 00/10968	Bayer Aktiengesellschaft	03/02/2000
			WO 97/29079	Japan Tobacco Inc.	08/14/1997
			WO 02/076945	Ortho-MacNeil Pharmaceutical, Inc.	10/03/2002
			WO 03/077847	Merck & Co., Inc.	09/25/2003
			WO 03/086288	Merck & Co., Inc.	10/23/2003

Examiner Signature	S. Kumar	Date Considered	9/13/04
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Examiner Signature	S. Kumar	Date Considered	9/13/05
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SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

*(use as many sheets as necessary)*

Attorney Docket Number 21071YP

4

9/3/05

Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

*(use as many sheets as necessary)*

**COMPLETE IF KNOWN**

Application Number	10/509,277
Filing Date	September 27, 2004
First Named Inventor	W.K. Hagmann et al.
Group Art Unit	1621
Examiner Name	S. Kuhn
Attorney Docket Number	21071YP

Sheet	4	of	4
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## NON PATENT LITERATURE DOCUMENTS

[illegible]

**Examiner  
Signature**

S. Kumar

**Date Considered**

9	1	3	05
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.**

Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

CDF



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OTHER

21071YP

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United States Patent and Trademark Office  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,277	09/27/2004	William K. Hagmann	21071YP	7661

210 7590 02/16/2006  
MERCK AND CO., INC  
P O BOX 2000  
RAHWAY, NJ 07065-0907

EXAMINER

KUMAR, SHAILENDRA

ART UNIT PAPER NUMBER

1621

DATE MAILED: 02/16/2006

FEB 22 2006

Notice of Appeal  
Duly  
5-16-06

Please find below and/or attached an Office communication concerning this application or proceeding.

PATENT DEPARTMENT

FEB 23 2006

CATHERINE D. FITCH

Ref Cited

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RJW Feb 23 2006

## Office Action Summary

Application No.

10/509,277

Applicant(s)

HAGMANN ET AL.

Examiner

SHAIENDRA -. KUMAR

Art Unit

1621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-17 is/are rejected.
- 7) ☒ Claim(s) 18-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



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### DETAILED ACTION

This office action is in response to applicants' communication filed on 12/16/05.

Claims 1-24 are pending in this application.

Rejection of claims 1-7 and 9-24 over GB 899556 is hereby withdrawn subsequent to applicants' amendment.

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 and 9-17 are rejected under 35 U.S.C. 102(b) as being anticipated by RN 95958-63-7.

RN 95958-63-7 anticipate instant claimed compounds when, in the instant claims, R1 is phenyl substituted with chloro, R2 is phenyl, R6 is H, , R3 is methyl, and Ar1 is phenyl substituted with carboxylic acid. Inasmuch compound can be in water (being carboxylic acid and amide derivative), and water being well known pharmaceutical carrier, the composition is anticipated too.

3. Claims 18-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 8 is allowed.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **SHAIENDRA -. KUMAR** whose telephone number is (571)272-0640. The examiner can normally be reached on Mon-Thur 8:00-5:30, Alt Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann Richter can be reached on (571)272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1621

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SHAIENDRA - KUMAR  
Primary Examiner  
Art Unit 1621

S.Kumar

2/13/06

**Notice of References Cited**

Application/Control No.

10/509,277

Applicant(s)/Patent Under  
Reexamination  
HAGMANN ET AL.

Examiner

SHAIENDRA -. KUMAR

Art Unit

1621

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**U.S. PATENT DOCUMENTS**

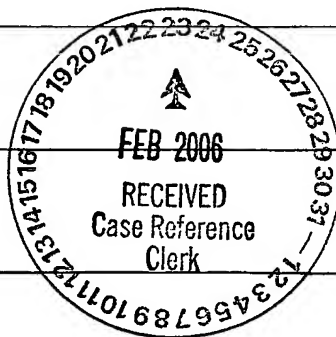
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